

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

CASE NO.: 6:13-bk-09074-ABB

MICHAEL SEAN HARTMAN and
NANCY ANN HARTMAN

Debtor(s).

CHAPTER 13

VERIFIED MOTION TO STRIP LIEN OF WELLS FARGO BANK, N.A.

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within thirty (30) days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at George C. Young Federal Courthouse, 400 West Washington Street, Suite 5100 Orlando, FL 32801 and serve a copy on the Trustee, Laurie K Weatherford, Post Office Box 3450, Winter Park, FL 32790 and Trang K Goebel, Esq., Kaufman, Englett and Lynd, 111 N. Magnolia Avenue, Suite 1500, Orlando, FL 32801.

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice and hearing, and may grant the relief requested.

COME(S) NOW the Debtor(s), MICHAEL SEAN HARTMAN and NANCY ANN HARTMAN, by and through the undersigned attorney, and file this Motion to Strip Lien of WELLS FARGO BANK, N.A. pursuant to 11 U.S.C. § 506 of the Bankruptcy Code and Bankruptcy Rule 3012 and in support thereof state the following:

1. The Debtor(s) filed petition under Title 11, Chapter 13 of the United States Bankruptcy Code on July 23, 2013.
2. In the schedules filed with the petition in this case and on the master mailing matrix filed with the Clerk of this Court, a debt was listed in favor of WELLS FARGO BANK, N.A. for the deed of trust their petition and schedules that there was no equity in the residential real estate to which the second lien could secure at the time that the petition was filed, therefore, provided for the claim to paid as an unsecured claim under the terms of the confirmed plan.

3. Pursuant to the Orange County Property Appraisers at the time they filed their bankruptcy petition and at the present time the value of the interest in the said residential real estate was and is approximately \$ 126,930.00 (attached hereto as Exhibit A).

LEGAL DESCRIPTION:

LOT 48, ISLAND CLUB AT RIO PINAR LAJES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, PAGES 69 AND 70, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

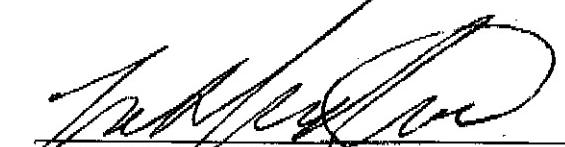
4. The Debtors interest in the real estate is subject to the first lien arising out of a mortgage in favor of WELLS FARGO HOME MORTGAGE in the amount of \$142,006.00.
5. The Debtors interest in the residential real estate is subject to a third lien in favor of WELLS FARGO BANK, N.A. in the amount of \$60,353.52.
6. The lien securing the third mortgage of WELLS FARGO BANK, N.A. is junior to the first mortgage listed above as owing to WELLS FARGO HOME MORTGAGE.
7. Pursuant to 11 U.S.C. § 506(a), WELLS FARGO BANK, N.A. has no allowable secured claim regarding the claim for the third lien on the subject real estate.
8. Any timely filed claim of WELLS FARGO BANK, N.A. for the thord lien is allowable only as an unsecured claim and in the event that no such claim is filed WELLS FARGO BANK, N.A. will have no claim against this estate.

WHEREFORE, the Debtors respectfully pray of the Court as follows:

- A. That this Court determine that WELLS FARGO BANK, N.A. has no secured interest for the third lien on the residential real estate of the Debtors;
- B. That this Court order WELLS FARGO BANK, N.A. to cancel the third lien on the residential real estate of the debtors pursuant to 11 U.S.C. § 506(d), immediately upon entry of the Discharge Order and deliver the same to the attorney for the debtors within 20 days from the date of the entry of the said order at no charge or fee for the aforesaid cancellation and delivery;
- C. That this Court direct the Trustee that any timely filed proof of claim of WELLS FARGO BANK, N.A. for the third lien be treated as an unsecured claim under the plan; and
- D. That the Court grant such other and further relief as is proper and just.

DECLARATION

We, MICHAEL SEAN HARTMAN and NANCY ANN HARTMAN, swear or affirm that the information contained in this Motion to Strip Lien is true and correct to the best of my knowledge, information and belief.



MICHAEL SEAN HARTMAN



NANCY ANN HARTMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Strip Lien has been furnished by Electronic Notice or Regular U.S. Mail to:

Chapter 13 Trustee, Laurie K. Weatherford, PO BOX 3450, Winter Park, FL 32790;
Debtor(s), Michael Sean Hartman and Nancy Ann Hartman, 2308 Island Club Way, Orlando, FL 32822;
Creditor, Wells Fargo Bank, N.A., 1 Home Campus, MAC X2303-01A, Des Moines, IA 50328; and
Creditors Registered Agent, Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

/s/ Trang K Goebel, Esq.
Attorney for Debtors
Trang K Goebel, Esq.
Kaufman, Englett and Lynd, PLLC
111 N. Magnolia Ave. Suite 1600
Orlando, FL 32801
Telephone: 407.513.1900
Facsimile: 407.309.5900
Fla Bar No.: 68850

Property Record - 02-23-30-3885-00-480

Orange County Property Appraiser •
<http://www.ocpafl.org>

Property Summary

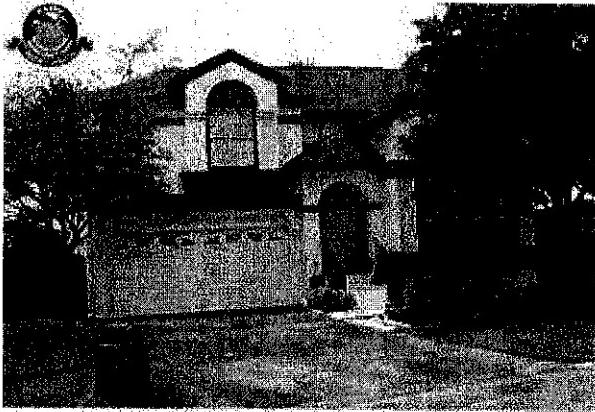
Property Name
2308 Island Club Way

Names
 Hartman Michael S
 Hartman Nancy A
Municipality
 ORG - Un-Incorporated
Property Use
 0101 - Single Family

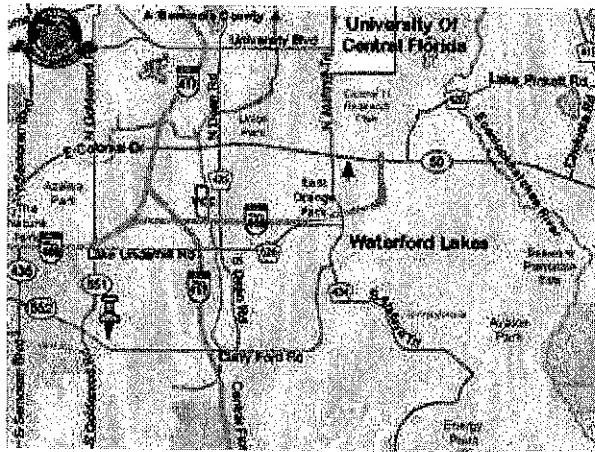
Mailing Address
 2308 Island Club Way
 Orlando, FL 32822-8424
Physical Address
 2308 Island Club Way
 Orlando, FL 32822



QR Code For Mobile Phone



302302388500480 06/13/2006



Value and Taxes

Historical Value and Tax Benefits

| Tax Year Values | Land | Building(s) | Feature(s) | Market Value | Assessed Value |
|--|----------|-------------|---------------------------------|--------------------|------------------|
| 2014 <input checked="" type="checkbox"/> MKT | \$25,000 | + \$78,632 | + \$22,900 = \$126,532 (- 1.6%) | \$126,532 (- .31%) | |
| 2013 <input checked="" type="checkbox"/> MKT | \$25,000 | + \$80,039 | + \$23,500 = \$128,539 (3.0%) | \$126,930 (1.7%) | |
| 2012 <input checked="" type="checkbox"/> MKT | \$22,000 | + \$78,708 | + \$24,100 = \$124,808 (- 4.6%) | \$124,808 (- 2.8%) | |
| 2011 <input checked="" type="checkbox"/> MKT | \$25,000 | + \$81,093 | + \$24,700 = \$130,793 (3.4%) | \$124,808 (- 4.6%) | \$128,447 (1.5%) |
| 2010 <input checked="" type="checkbox"/> MKT | \$24,767 | + \$77,482 | + \$24,300 = \$126,549 | \$126,549 | \$126,549 |

| Tax Year Benefits | Original Homestead | Additional Hx | Other Exemptions | SOH Cap | Tax Savings |
|---|--------------------|---------------|------------------|---------|-------------|
| 2014 <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> HX | \$25,000 | \$25,000 | \$0 | \$0 | \$668 |
| 2013 <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> HX CAP | \$25,000 | \$25,000 | \$0 | \$1,609 | \$697 |
| 2012 <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> HX | \$25,000 | \$25,000 | \$0 | \$0 | \$671 |
| 2011 <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> HX CAP | \$25,000 | \$25,000 | \$0 | \$2,346 | \$715 |
| 2010 <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> HX | \$25,000 | \$25,000 | \$0 | \$0 | \$661 |

2014 Taxable Value and Estimate of Proposed Taxes

| Taxing Authority | Assd Value | Exemption | Tax Value | Millage Rate | Taxes | % |
|------------------------------------|------------|-----------|-----------|----------------|-------------------|------|
| Public Schools: By State Law (Rle) | \$126,532 | \$25,000 | \$101,532 | 5.1140 (0.00%) | \$519.23 | 33 % |
| Public Schools: By Local Board | \$126,532 | \$25,000 | \$101,532 | 3.2480 (0.00%) | \$329.78 | 21 % |
| Orange County (General) | \$126,532 | \$50,000 | \$76,532 | 4.4347 (0.00%) | \$339.40 | 22 % |
| Unincorporated County Fire | \$126,532 | \$50,000 | \$76,532 | 2.2437 (0.00%) | \$171.71 | 11 % |
| Unincorporated Taxing District | \$126,532 | \$50,000 | \$76,532 | 1.8043 (0.00%) | \$138.09 | 9 % |
| Library - Operating Budget | \$126,532 | \$50,000 | \$76,532 | 0.3748 (0.00%) | \$28.68 | 2 % |
| St Johns Water Management District | \$126,532 | \$50,000 | \$76,532 | 0.3283 (0.00%) | \$25.13 | 2 % |
| | | | | 17.5478 | \$1,552.02 | |

2014 Non-Ad Valorem Assessments

| Levy Authority | Assessment Description | Units | Rate | Assessment |
|---------------------------|---|-------|----------|-----------------|
| COUNTY SPECIAL ASSESSMENT | WASTE PRO - GARBAGE - (407)836-6601 | 1.00 | \$235.00 | \$235.00 |
| COUNTY SPECIAL ASSESSMENT | STREET LIGHTS - STREET LIGHTS - (407) 836-5770 | 1.00 | \$40.94 | \$40.94 |
| COUNTY SPECIAL ASSESSMENT | ROAD & DRAINAGE - RETENTION PONDS - (407)836-5770 | 1.00 | \$67.00 | \$67.00 |
| | | | | \$342.94 |

Property Features

Property Description

ISLAND CLUB AT RIO PINAR LAKES 29/69 LOT 48

Total Land Area

22,269 sqft (+/-) | 0.51 acres (+/-) GIS Calculated

Land

| Land Use Code | Zoning | Land Units | Unit Price | Land Value | Class | Unit Price | Class Value |
|-------------------------|--------|------------|-------------|------------|--------|------------|-------------|
| 0130 - Sfr - Lake Front | R-2 | 1 LOT(S) | \$25,000.00 | \$25,000 | \$0.00 | | \$25,000 |

Buildings

| | | | | |
|---------------------------|---------------------------|---------------------|------|----------|
| Model Code | 01 - Single Fam Residence | Subarea Description | Sqft | Value |
| Type Code | 0101 - Single Family | BAS - Base Area | 1025 | \$63,704 |
| Building Value | \$78,632 | FGR - Fin Garage | 342 | \$10,628 |
| Estimated New Cost | \$109,944 | FOP - F/Opn Prch | 35 | \$559 |
| Actual Year Built | 1992 | FUS - F/Up Story | 663 | \$35,053 |
| Beds | 4 | | | |
| Baths | 2.5 | | | |
| Floors | 2 | | | |
| Gross Area | 2065 sqft | | | |
| Living Area | 1688 sqft | | | |
| Exterior Wall | Cb.Stucco | | | |
| Interior Wall | Drywall | | | |

Extra Features

| Description | Date Built | Units | Unit Price | XFOB Value |
|--------------------------|------------|-----------|-------------|------------|
| PL2 - Above Average Pool | 01/01/1992 | 1 Unit(s) | \$20,000.00 | \$7,400 |
| SCR2 - Scrn Enc 2 | 06/10/2003 | 1 Unit(s) | \$5,000.00 | \$5,000 |
| BD2 - Boat Dock 2 | 01/01/2001 | 1 Unit(s) | \$4,000.00 | \$4,000 |
| PT1 - Patio 1 | 01/01/2001 | 1 Unit(s) | \$1,000.00 | \$1,000 |
| RME2 - Room Enclosure 2 | 01/01/2008 | 1 Unit(s) | \$5,500.00 | \$5,500 |

Sales

Sales History

| Sale Date | Sale Amount | Instrument # | Book/Page | Deed Code | Seller(s) | Buyer(s) | Vac/Imp |
|------------|-------------|--------------|--------------|-------------------|-----------|-----------|----------|
| 04/12/1999 | \$137,000 | 19990181877 | 05737 / 3382 | Warranty Deed | Otero | Hartman | Improved |
| | | | | | Julio C | Michael S | |
| | | | | | Otero | Hartman | |
| | | | | | Ivonne | Nancy A | |
| | | | | | M | | |
| 07/10/1992 | \$141,600 | 19924147928 | 04434 / 4869 | Warranty Deed | | | Improved |
| 04/06/1992 | \$100 | 19924070466 | 04404 / 3926 | Warranty Multiple | | | Vacant |

Similar Sales

| Address | Sale Date | Sale Amount | \$/SQFT | Deed Code | Beds/Baths | Instrument # | Book/Page |
|----------------------|------------|-------------|---------|----------------|------------|--------------|--------------|
| 2430 Island Club Way | 08/08/2013 | \$110,000 | \$72 | Warranty Deed | 4/2 | 20130473077 | 10629 / 6360 |
| 2482 Island | 02/15/2013 | \$112,100 | \$67 | Certificate of | 3/2 | 20130100212 | 10525 / |

Club Way

Title

1341

Services for Location

TPP Accounts At Location

| Account | Market Value | Taxable Value | Business Name(s) | Business Address |
|---------|--------------|---------------|------------------|------------------|
|---------|--------------|---------------|------------------|------------------|

There are no TPP Accounts associated with this parcel.

Schools

Colonial (High School)

| | |
|---------------------|-----------------------------|
| Principal | Dr. Jonathan R Prince |
| Office Phone | 407-482-6300 |
| Grades | 2011: B 2010: B 2009: C |

Chickasaw (Elementary)

| | |
|---------------------|-----------------------------|
| Principal | Mrs. Janet Medina-Maestre |
| Office Phone | 407-249-6300 |
| Grades | 2012: A 2011: A 2010: A |

Liberty (Middle School)

| | |
|---------------------|-----------------------------|
| Principal | James V Russo Jr |
| Office Phone | 407-249-6440 |
| Grades | 2012: C 2011: C 2010: A |

Homeowner's Association

| | |
|-----------------------------|---|
| Name | The Island Club at Rio Pinar Lakes Homeowners Associ... |
| Gated? | No |
| Mandatory? | Yes |
| Number Of Households | 97 |

Utilities/Services

| | |
|---------------------------------|----------------------------------|
| Electric | Duke Energy |
| Water | Orange County Utility Department |
| Recycling | Orange County |
| Trash (Thursday, Monday) | Orange County |
| Yard Waste | Orange County |

Elected Officials

| | |
|-------------------|--------------|
| US Representative | Alan Grayson |
|-------------------|--------------|

School Board Representative Daryl Flynn
State Representative Victor Manuel Torres
County Commissioner Pete Clarke
State Senate Darren Soto

Market Stats

Sales Within Last 1 Year

| Island Club At Rio Pinar Lakes | Sales | | | Less Than \$100 |
|---------------------------------------|--------------|--------------------------|---------------|------------------------|
| | Count | Median | Volume | Count |
| Single Family Residential | 2 | \$111,050 (\$69/SqFt) | \$222,100 | 1 |